

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Chaw *et al.*

Application No. 10/622,316

Filed: July 18, 2003

Confirmation No. 4339

For: SUSTAINED RELEASE FORMULATION
FOR CARBAMATES AND A METHOD
THEREFOR

FILED VIA EFS

Examiner: Cheng Shu Chaw

Art Unit: 1618

Attorney Reference No. 6565-66400-01

FILED VIA ELECTRONIC FILING SYSTEM
UNITED STATES PATENT AND TRADEMARK OFFICE

RESPONSE TO RESTRICTION REQUIREMENT

This paper is filed in response to the Office Action dated December 4, 2006, for which a one month/30-day response deadline was set. As this paper is filed no later than **January 4, 2007**, it is believed that no fees are required. If any fees are required to file this paper, Applicants hereby authorize the Commissioner to obtain such fees from Deposit Account 02-4550.

Applicants provisionally elect Group I (claims 1-14, drawn to microparticles) and provisionally elect the species of carbamate to be physostigmine. The election of a Group is made with traverse, as discussed below. No amendments are being made to the claims.

REMARKS/ARGUMENTS

The Examiner classified the claims into three Groups, and has indicated that the inventions as claimed in each Group are distinct from each other. Particularly, the Examiner stated that Inventions I and II are related as product and process of use.

Applicants respectfully disagree. Applicants point out that Group II claims (claims 15-19) are drawn to a controlled release formulation, comprising the microparticles as claimed in

claim 1. Therefore, the claims of Group I and the claims of Group II are both product claims, and the claims of Group II contain all of the limitations of the product as claimed in claim 1. The Examiner has stated that the claims of Group II include controlled release formulation, which is not required in Invention I. However, Applicants point out that should the microparticles of Group I be found allowable, then the controlled release formulation that comprises such microparticles should also be allowable. Therefore, Applicant submits that Group I claims and Group II claims are related products, and that rejoinder of Group II with Group I should require minimal, if any additional searching. For these reasons, Applicant respectfully requests rejoinder of Group I and Group II. In the expectation of such rejoinder, Applicants elect the species of sustained release for up to 48 hours, for Group II claims.

CONCLUSION

The Examiner is invited to telephone the undersigned if any questions remain concerning the requirement for restriction, or the comments made herein. Otherwise, the present application is ready for substantive examination, and such action is requested.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By _____ /Tanya M. Harding/
Tanya M. Harding, Ph.D.
Registration No. 42,630